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**THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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**AARON R. GARCIA,**

Plaintiff,

v.

**JOSEPH WILSON; ABREGO KA; T.  
O'DOHERTY; PAUL RIMMASCH;  
JESSICA PONTIUS; JORDEN NIELSEN;  
RICHARD CHILDRESS, OGDEN CITY;  
and WEBER COUNTY,**

Defendants.

**ORDER ADOPTING [47] REPORT AND  
RECOMMENDATION**

Case No. 1:23-cv-00131-DBB-DAO

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Daphne A. Oberg on December 9, 2024 recommends the court (i) grant the Ogden City Defendants'<sup>2</sup> motion to dismiss;<sup>3</sup> (ii) grant the Weber County Defendants'<sup>4</sup> motion for judgment on the pleadings;<sup>5</sup> and (iii) dismiss the case without prejudice.<sup>6</sup> Mr. Garcia was notified of his right to file objections to the Report and Recommendation within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.<sup>7</sup> As of the date of this order, Mr. Garcia did not file an objection. Because the specified deadline has passed without the filing of a written

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<sup>1</sup> R. & R., ECF No. 47, filed December 9, 2024.

<sup>2</sup> The Ogden City Defendants are Ogden City and Ogden City Police Officers Joseph Wilson, Abrego Ka, T. O'Doherty, Jorden Nielsen, and Richard Childress.

<sup>3</sup> ECF No. 37, filed June 12, 2024.

<sup>4</sup> The Weber County Defendants are Weber County and Weber County employees Paul Rimmasch and Jessica Pontius.

<sup>5</sup> ECF No. 40, filed July 9, 2024.

<sup>6</sup> R. & R. 17.

<sup>7</sup> *Id.*

objection, and because Magistrate Judge Oberg's analysis and conclusion are sound, the court ADOPTS the Report and Recommendation. Accordingly, (i) the Ogden City Defendants' motion to dismiss is GRANTED; (ii) the Weber County Defendants' motion for judgment on the pleadings is GRANTED; and (iii) Plaintiff's case is DISMISSED without prejudice.

Signed January 3, 2025.

BY THE COURT

A handwritten signature in black ink, appearing to read 'David Barlow', written over a horizontal line.

David Barlow  
United States District Judge